

To: Schwab, Justin[schwab.justin@epa.gov]
Cc: Minoli, Kevin[Minoli.Kevin@epa.gov]; Fotouhi, David[fotouhi.david@epa.gov]; Grant, Brian[Grant.Brian@epa.gov]; Anderson, Monique[anderson.monique@epa.gov]; Kaczmarek, Chris[Kaczmarek.Chris@epa.gov]; Perlis, Robert[Perlis.Robert@epa.gov]; Garrison, Scott[Garrison.Scott@epa.gov]
From: Mclean, Kevin
Sent: Fri 4/14/2017 5:01:21 PM
Subject: RE: Administrator inquiry: gathering information on statutory standards for delegation of enforcement authority to states
[TSCA and FIFRA Enforcement issues.docx](#)

Attached is information on the TSCA and FIFRA enforcement issues you requested. Please let us know if you have any questions.

Kevin McLean

Associate General Counsel

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From: Schwab, Justin
Sent: Monday, April 10, 2017 11:26 AM
To: Schmidt, Lorie <Schmidt.Lorie@epa.gov>; Srinivasan, Gautam <Srinivasan.Gautam@epa.gov>; Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Levine, MaryEllen <levine.maryellen@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Mclean, Kevin <Mclean.Kevin@epa.gov>; Perlis, Robert <Perlis.Robert@epa.gov>
Cc: Minoli, Kevin <Minoli.Kevin@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>
Subject: Administrator inquiry: gathering information on statutory standards for delegation of enforcement authority to states

Dear All,

The Administrator is interested in the states' role in enforcement.

In a briefing with OECA, he asked for a **summary of the statutory/regulatory standard for authorizing/delegating/etc. a state enforcement program** under various statutes.

(These are areas where some or most states do not have an authorized program, leading to significant OECA activity in areas where states could be, but are not, taking the lead.)

Kevin and I have conferred and agree that it is appropriate for the OGC offices to handle this question, consulting with the program offices as necessary.

[FYI: a second phase to this inquiry will follow, looking into federal funding associated with setting up a/o running delegated enforcement programs; that will be a more involved inquiry that will probably require much heavier involvement from the program office; please don't look into that now, but be aware that it will be coming later, possibly soon.]

Please let me know the answer with respect to the following statutes/programs.

If there are multiple forms/levels of authorization (etc.—please also indicate what the appropriate term for each program is ['delegation,' 'authorization,' etc.]), **please provide information for all** such types of authorization.

Air

Clean Air Act – stationary source enforcement

Clean Air Act – asbestos

Clean Air Act - RMP

Water

Clean Water Act – NPDES

Clean Water Act – pretreatment

Clean Water Act – Wetlands

Clean Water Act – Biosolids

Safe Drinking Water Act

Waste

RCRA

Toxics/Pesticides

TSCA – AHERA (asbestos)

TSCA – Lead Prerenovation

TSCA – lead renovation, repair & painting

TSCA – Lead Paint Abatement

FIFRA – Use/misuse